



PTO/SB/21 (02-04)  
Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/944,708
Filing Date	8/31/2001
First Named Inventor	Kelly
Art Unit	3726
Examiner Name	Jiminez, Marc
Attorney Docket Number	13DV-14047/11716 (21635-0046)

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JUN 21 2004

OFFICE OF PETITIONS

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <small>(please identify below):</small> Return Acknowledgement Post Card Copy of Appeal Brief (Previously filed) and previously filed fee payment
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Carmen Santa Maria
Signature	<i>Carmen Santa Maria</i>
Date	6/11/2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Carmen Santa Maria	Date	6/11/2004
Signature	<i>Carmen Santa Maria</i>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUN 14 200

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# **FEE TRANSMITTAL for FY 2004**

*Effective 10/01/2003. Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1660)

**Complete if Known**

44708

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JUN 21 2004

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Application Number	09/044-708 944-708
Filing Date	08/31/2001
First Named Inventor	Kelly
Examiner Name	Jiminez, Mac
Art Unit	3726
Attorney Docket No.	13DV-14047/11716 <sup>(2)1635-0048)</sup>

**RECEIVED**  
**JUN 21 2004**

**METHOD OF PAYMENT (check all that apply)**

Check    Credit card    Money Order    Other    None

Deposit Account:

**Deposit  
Account  
Number** 50-1059

**Deposit  
Account  
Name**      **McNees Wallace & Nurick**

**The Director is authorized to:** (check all that apply)

Charge fee(s) indicated below     Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	330
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive – unintentional	1330
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

*For number previously paid, if greater; For Reissues, see above*

*Complete if applicable*

					Complete (if applicable)
SUBMITTED BY		Registration No. (Attorney/Agent)	33,453	Telephone	717-237-5226
Name (Print/Type)	Carmen Santa Maria			Date	June 11, 2004
Signature	<i>Carmen Santa Maria</i>				

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to be provided by the USPTO. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the application. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.  
**DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**  
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PTO/SB/92 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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on June 11, 2004.

Date

Carmen Santa Maria

Signature

Carmen Santa Maria

Typed or printed name of person signing Certificate

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Appeal Brief  
Notice of Appeal

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Carmen Santa Maria (97)  
McNEES WALLACE & NURICK LLC  
100 Pine Street  
P. O. Box 1166  
Harrisburg, PA 17108-1166

received  
10-20-03



Application/Patent No.: 09/944,708

MWN Reference No.: 13DV-14047/11716(21635-004)

Assist. Commissioner for Patents:

Please acknowledge receipt of the paper(s) enclosed by stamping  
the date received and returning this card to the undersigned.

New Patent Application     Non-Prov.     Prov.     Design  
 CIP     Divisional     RCE/CPA     Other

Declaration (Signed/Unsigned)     Power of Attorney

Patent Appl'n. Transmittal  
(Utility/Provisional/Design)  
 Pages Specifications  
 Pages Drawing(s)  
 Application Data Sheet  
 Fee Transmittal  
Filing Fee (\$330)  
 Appeal Brief Fee (\$330)  
Other Fee(s) (\$      )  
 IDS & PTO/SB/08  
References (copies)  
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Transmittal Form  
 Response to Office Action  
 Response to Missing Parts  
 Affidavit/Statement  
 Issue Fee Transmittal  
 Issue Fee (\$      )  
 Letter to Off. Draftsperson  
 Assignment  
 Recordation Letter & Fee  
 Statement Under 3.73(b)  
 Appeal Brief (filed in  
    applicat.)  
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Express Mail No.: \_\_\_\_\_

Date of Mailing: October 9, 2003

Submitted by: Carmen Santa Maria  
McNees Wallace & Nurick LLC



PTO/SB/92 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Alexandria, VA 22313-1450

on October 9, 2003.

Date

Signature

Lindsay Vican

Typed or printed name of person signing Certificate

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Transmittal Form  
Appeal Brief (filed in triplicate)

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Application Number	09/944,708
Filing Date	08/31/2001
First Named Inventor	KELLY et al.
Art Unit	3726
Examiner Name	Marc Jimenez
Total Number of Pages in This Submission	63
Attorney Docket Number	13DV-14047/11716 (21635-0046)

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response □ After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Return Acknowledgment Postcard, Certificate of Mailing, Appeal Brief (filed in triplicate)</b>
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	McNees Wallace & Nurick LLC Carmen Santa Maria
Signature	
Date	October 9, 2003

**CERTIFICATE OF MAILING**

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Typed or printed name	Lindsay Vican		
Signature		Date	October 9, 2003

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JUN 14 2004  
U.S. TRADEMARK OFFICE

# FEE TRANSMITTAL for FY 2003

*Effective 01/01/2003. Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 330)

Complete if Known	
Application Number	09/944,708
Filing Date	08/31/2001
First Named Inventor	KELLY et al.
Examiner Name	Marc Jimenez
Group / Art Unit	3726
Attorney Docket No.	13DV-14047/11716 (21635-0046)

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																																																				
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number      50-1059  Deposit Account Name      McNees Wallace & Nurick LLC				<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Large Entity</th> <th style="width: 15%;">Small Entity</th> <th colspan="4"></th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td colspan="2" style="text-align: center;">Fee Description</td> <td>Fee Paid</td> </tr> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td colspan="2">Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td colspan="2">Surcharge - late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td colspan="2">Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td colspan="2">For filing a request for reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td colspan="2">Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td colspan="2">Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td colspan="2">Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>410</td> <td>2252</td> <td>205</td> <td colspan="2">Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>930</td> <td>2253</td> <td>465</td> <td colspan="2">Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,450</td> <td>2254</td> <td>725</td> <td colspan="2">Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td colspan="2">Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td colspan="2">Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td colspan="2">Filing a brief in support of an appeal</td> <td>330</td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td colspan="2">Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td colspan="2">Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td colspan="2">Petition to revive – unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,300</td> <td>2453</td> <td>650</td> <td colspan="2">Petition to revive – unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,300</td> <td>2501</td> <td>650</td> <td colspan="2">Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>470</td> <td>2502</td> <td>235</td> <td colspan="2">Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>630</td> <td>2503</td> <td>315</td> <td colspan="2">Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td colspan="2">Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td colspan="2">Processing fee under 37 CFR 1.17 (q)</td> <td></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td colspan="2">Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td colspan="2">Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>750</td> <td>2809</td> <td>375</td> <td colspan="2">Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>750</td> <td>2810</td> <td>375</td> <td colspan="2">For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>750</td> <td>2801</td> <td>375</td> <td colspan="2">Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td colspan="2">Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">Other fee (specify) _____</td> <td colspan="4" style="text-align: right;">SUBTOTAL (3) (\$ 330)</td> </tr> <tr> <td colspan="4" style="text-align: right;">*Reduced by Basic Filing Fee Paid</td> <td colspan="4" style="text-align: right;">(\$ 330)</td> </tr> </tbody> </table>				Large Entity	Small Entity					Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		Fee Paid	1051	130	2051	65	Surcharge - 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1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																				
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																				
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																																																				
1252	410	2252	205	Extension for reply within second month																																																																																																																																																																																																																																				
1253	930	2253	465	Extension for reply within third month																																																																																																																																																																																																																																				
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																																																																				
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																																																																				
1401	320	2401	160	Notice of Appeal																																																																																																																																																																																																																																				
1402	320	2402	160	Filing a brief in support of an appeal		330																																																																																																																																																																																																																																		
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																																																																				
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																				
1452	110	2452	55	Petition to revive – unavoidable																																																																																																																																																																																																																																				
1453	1,300	2453	650	Petition to revive – unintentional																																																																																																																																																																																																																																				
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																																																																				
1502	470	2502	235	Design issue fee																																																																																																																																																																																																																																				
1503	630	2503	315	Plant issue fee																																																																																																																																																																																																																																				
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																																																				
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)																																																																																																																																																																																																																																				
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																				
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																				
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																				
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																				
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																																																																				
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																				
Other fee (specify) _____				SUBTOTAL (3) (\$ 330)																																																																																																																																																																																																																																				
*Reduced by Basic Filing Fee Paid				(\$ 330)																																																																																																																																																																																																																																				
** or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																																																								

SUBMITTED BY						Complete if applicable
Name (Print/Type)	Carmen Santa Maria	Registration No. Attorney/Agent)	33,453	Telephone	717-237-5226	
Signature	<i>Carmen Santa Maria</i>			Date	October 9, 2003	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231. If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Attorney Docket No. 13DV-14047/11716 (21635-0046)  
Application No. 09/944,708

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kelly et al.

Application No.: 09/944,708 : Group Art Unit: 3726

Application Filed: August 31, 2001 : Examiner: Jiminez, Marc

For: METHOD OF MANUFACTURING A NICKEL-BASE ALLOY WELDING  
FILLER METAL

**ADDITIONAL SHEET TO PETITION FOR REVIVAL OF  
APPLICATION UNDER 37 CFR 1.1379(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**REMARKS**

An Appeal Brief for the subject application was timely filed in triplicate on October 9, 2003 along with the Fee for submittal of the Appeal Brief. Copies of these documents are included with this submittal, and no additional fee should be required for the Appeal Brief.

The undersigned neglected to file a Notice of Appeal and associated fee with the Appeal Brief, which would have been timely filed if it had been included as intended. The undersigned was not aware of this oversight until it was kindly brought to his attention by the responsible Examiner. A copy of the Appeal Brief is being included with the Notice of Appeal and Authorization of Payment of the Notice of Appeal Fee and Petition Fee.

Attorney Docket No. 13DV-14047/11716 (21635-0046)  
Application No. 09/944,708



CONCLUSION

The Commissioner is hereby authorized to charge the indicated fees and any additional fees, and to credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

*Carmen Santa Maria*  
Carmen Santa Maria  
Reg. No. 33,453

Dated: June 11, 2004

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